

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Michael Bies,)	
)	
Petitioner,)	
)	Case No.: CV-1-00-682
vs.)	
)	District Judge Susan J. Dlott
Margaret Bagley, Warden,)	Magistrate Judge Michael R. Merz
)	
Respondent.)	

MICHAEL BIES' SUGGESTION FOR A STATUS CONFERENCE

Michael Bies moves this Court to schedule a status conference. A Memorandum in Support is attached and incorporated herein.

Respectfully submitted,

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And

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COUNSEL FOR MICHAEL BIES

MEMORANDUM IN SUPPORT

On March 17, 2005, Michael Bies filed a Motion to Amend his pending Habeas Petition. [Doc. 89]. On April 11, 2005, the Court granted the Motion and ordered that Michael Bies file his Amended Petition by April 18, 2005. [Doc. 92]. Michael Bies timely filed the Amended Petition. [Doc. 93].

Michael Bies suggests to the Court that it should hold a status conference to address the following issues:

1. Michael Bies signed his previous Habeas Petition. [Doc. 26]. Due to time restraints, counsel were unable to submit the most recent petition to him for his signature.¹ Undersigned counsel requests the Court's guidance as to whether Michael Bies should execute the most recent petition, and if so, whether counsel should submit simply a new signature page or a new petition in its entirety.

2. On September 28, 2000, the Warden submitted a six volume set of the state court pleadings.² [Doc. 9]. From the perspective of undersigned counsel, its format is user friendly. These six volumes should be supplemented with the pleadings that have been filed with the state courts since September 28, 2000. Michael Bies has filed with the Court, on a piecemeal basis the state court pleadings from his successor post-conviction [Docs. 35-37, 41, 46, 47, 52, 54, and 63], and his mental retardation litigation. [Docs. 65, 69, 72, 74, 75, 89, 80]. Michael Bies' citations to the state court record would be facilitated if all of the post 2000 State court pleadings were grouped together at the same place in the record. Undersigned counsel are willing to collect all of the post 2000 pleadings and arrange them chronologically. Counsel would then

¹ Counsel did hold a previously scheduled meeting with Michael Bies on April 15, 2005. The most recent petition, however, was not completed until the afternoon of April 18, 2005, when the last additions of Lead Counsel were incorporated into that pleading.

² The Warden omitted a few pleadings from the Appendix.

submit these pleadings to the Warden for numbering and copying in a manner that is consistent with the numbering of the first six volumes that the Warden previously submitted to the Court.

3. The Court has ordered that it would “sever the Nineteenth Claim when it is filed and to set a schedule for resolving that claim independent of the balance of the Petition.” [Doc. 92, p. 5]. Michael Bies suggests that the schedule include the items contained in the previous two paragraphs.

WHEREFORE, Michael Bies requests that the Court set a status conference. In the alternative, Michael Bies requests the Court to establish a scheduling order that includes the logistical matters identified herein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Michael Bies' Motion For A Status Conference was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access the filing through the Court's system.

s/ S. Scott Haynes

S. SCOTT HAYNES

COUNSEL FOR PETITIONER

#216233